

**UNITED STATES DISTRICT COURT**  
**District of Maine**

**RUSSELL STEPHEN THOMAS,**

**Plaintiff**

**V.**

**UNITED STATES OF AMERICA,**

## Defendant

**Civil No. 09-58-P-S**

**Crim. No. 4-67-P-S**

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on April 28, 2009, her Recommended Decision (Docket No. 8). Plaintiff filed a Response to the Recommended Decision (Docket No. 11) on May 26, 2009. In addition, Plaintiff filed a Motion for Leave to Supplement Objections to the Recommended Decision (Docket No. 12) on June 19, 2009. The Defendant filed an Objection to the Plaintiff's Motion for Leave to Supplement (Docket No. 14) on July 7, 2009. Plaintiff's Motion for Leave to Supplement is **GRANTED**.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that Plaintiff's 28 U.S.C. § 2255 Motion (Docket No. 1) is **DENIED**.
3. Should the Defendant file an appeal, a certificate of appealability shall not issue.

/s/ George Z. Singal  
United States District Judge

Dated this 23rd day of July, 2009.